November 24, 2009

Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Citizen Petition to Issue a Fish Consumption Advisory in the Lake Superior waters of Minnesota, Wisconsin and Michigan to Protect Public Health from Toxaphene Exposure.

Dear Administrator Jackson:

One of U.S. EPA's most important duties is to guide the nation toward the Clean Water Act goal of making all of America's waters fishable and swimmable, and to help protect the public health from waters that fail to meet water quality standards. Therefore, pursuant to the Clean Water Act, the signatories below ("Petitioners") petition EPA to issue a multi-state fish consumption advisory for the Lake Superior waters of Minnesota, Wisconsin and Michigan calling for limited consumption of sportfish, particularly by women of child-bearing age and children, because of the presence of unacceptably high levels of toxaphene in sport fish.

Toxaphene was developed from the chlorination of camphor oil, an extract of the roots of Chinese camphor trees. It is a mixture of 670 compounds, some of known toxicity. It became a major U.S. pesticide when DDT was banned in 1972. A turpentine fraction, much cheaper than camphor oil, became the starting material when toxaphene demand outstripped camphor oil supply. Then the U.S. banned toxaphene in 1982.

The "Green Revolution" exported western agricultural technology to Asia in the 1960s to save hundreds of millions of people from starvation. This technology included our persistent organic chemicals in pesticides and toxaphene was soon favored. U.S. toxaphene was exported to satisfy Asia's

growing agriculture and by the early 1990s, Western nations were building toxaphene plants in China. Toxaphene became the worlds' most used pesticide.

In the mid 1980s, Canadian researchers studying PCBs in human milk were perplexed by the stabilization of PCB levels. They had been dropping, but, just as in Lake Superior, the concentration was stagnating. They went above the Arctic Circle to obtain a pristine sample and found it to be eight times more contaminated with PCBs than southern Ontario samples. PCBs were only seven per cent of the total toxicity, with chlordane and toxaphene supplying most of the toxicity. This finding led to a series of events and finally the concerted eight-nation circumpolar Arctic Monitoring and Assessment Programme. This effort determined that the Arctic was sourced with POPs from any use point in the northern Hemisphere. Toxaphene was never used in Canada, but it was spread across the all provinces and clear to the North Pole.

In the U.S., the banning of toxaphene in 1982 resulted in a dramatic reduction of toxaphene in the lower Great Lakes, but by 1992, the amount in Lake Superior increased 25%. Why? The AMAP work showed that POPs distributed latitudinally according to their volatility. Lindane, the most volatile, raced to the Arctic. PCBs spread across mid-latitudes and decreased to the north. Toxaphene sought cold northern and high mountain waters. Lake Superior's concentration increased after it was banned because it is a favored location for toxaphene and it had not yet equilibrated with the air in ten years of use. Global use continues to supply Lake Superior with toxaphene. According to the 2008 LaMP, Lake Superior contains nearly 15 times the most lenient of the states' target levels for toxaphene.

In 1993, toxaphene became the only one of the "dirty dozen" banned POPs to be dropped from the U.S. Food and Drug Administration's analysis. The agency had "assayed 40,000 samples and found nothing of concern," so the agency revoked their action levels for toxaphene residues.[1] In 1999, the EPA issued "Toxaphene Update: Impact on Fish Advisories" (EPA-823-F-99-

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[1] Federal Register: 58(221):60859

018 Sept. 1999). This advisory stated the mean concentration of Lake Superior Lake Trout as 4.9 ppm. The recommended consumption at more than 4.8 ppm was ZERO.

Lake Superior lake trout contain twice as much toxaphene as PCBs. A trophy-sized fish can contain five parts per million of toxaphene, or ten times the concentration that classifies dirt as hazardous waste. In the 1990s, toxaphene was responsible for two-thirds of Lake Superior's fish consumption guidelines. Late in the century, Ontario and the states surrounding Lake Superior all dropped toxaphene from their fish consumption guidelines.

Please issue a fish consumption advisory for Lake Superior and aggressively pursue global banning of legacy pollutants. The current U.S. posture is an abysmal breach of governmental responsibility.

Sincerely,

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